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August 19, 2004

Via E-Filing
The Honorable Denis R. Hurley
United States District Court
100 Federal Plaza
Central Islip, NY 11722

Re: ***Robert Novak v. Overture Services Inc., et al.***
Case No. CV 02 5164

Your Honor:

On July 23, 2004, Google requested leave to file a dispositive motion under Rule 12(c) and/or Rule 56 that it believes would end this case. Mr. Novak's response, nearly a month later, misapprehends the issue before the Court. Google's letter was not intended as a dispositive motion in itself, merely as a request for leave to file one. If Mr. Novak is correct about the viability of his claims, then Google's motion may ultimately fail. But Google should be given the opportunity to demonstrate that this case, now two years old, should go no further.

Mr. Novak offers no reason why Google should not be granted leave. His request to amend his pleadings is both procedurally improper and barred by the Court-Ordered August 1st deadline for such amendments, which the Court previously extended at Mr. Novak's request. Accordingly, Google asks that the Court grant Google leave to file its motion as soon as possible.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

/s/ David H. Kramer

David H. Kramer
Attorneys for Google Inc.

cc: See Attached Service List

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